

14 copies

Resolution No. 177

WHEREAS, this Board did on October 28, 1977 receive a petition requesting the zoning of an area as described in Exhibit "A" attached hereto and by this reference made a part hereof.

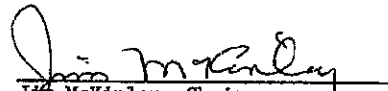
WHEREAS, the petition was signed by one hundred percent (100%) of the freeholders within such area, and thereafter public hearing was held, as required by law, by the Ravalli County Planning and Zoning Commission on December 8, 1977 and thereafter the Commission met again on February 9, 1978, at which time the petition was granted.

WHEREAS, Resolution No. 005 containing the provisions for regulations controlling the zoning of area petitioned for was passed and adopted by the Ravalli County Planning and Zoning Commission under date February 9, 1978.


NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Ravalli County, Montana, do hereby approve and accept the recommendations of the County Planning and Zoning Commission and the resolutions granting said petition for creation of Ravalli County Planning and Zoning District No. 10.

PASSED AND ADOPTED this 21st day of February, 1978.

BOARD OF COUNTY COMMISSIONERS
Ravalli County, Montana


Jim McKinley, Chairman


Hugh G. Cumming, Member


F.T. Williams, Member

6385

EXHIBIT "A"

PARCEL "A"

A tract of land located in and being a portion of Section 8, Township 10 North, Range 19 West, P.M.M., and a portion of Riverview Orchards, a recorded subdivision of Ravalli County, Montana, more particularly described as follows:

Section 8:

All of the S 1/2 SE 1/4, and all of the N 1/2 SE 1/4, the NE 1/4 SW 1/4, and SE 1/4 NE 1/4 not in Riverview Orchards.

Riverview Orchards:

Block 4, Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18.

Block 5, Lots 5, 7, 8, 9 and Reserved Tract. All according to the recorded plat of Riverview Orchards, Ravalli County, Montana.

385

STATE OF MONTANA }
COUNTY OF RAVALLI }

ss

This is to certify that I, Jim McKinley, did post copies of Notice of Public Hearing on petition for creation of Planning and Zoning District for Wilbur J. and Ila M. Hensler property in the following places:

1. On gate post at southwest corner of the proposed district.
2. On fence post at northwest corner of property on Eight-mile Road.
3. On fence post at northeast corner of proposed district.

Rita C. Jack
(Witness)

Jim McKinley
Jim McKinley, Chairman
RAVALLI COUNTY COMMISSIONERS

Subscribed and sworn to before me this 28th day of November, 1977.

Darlene E. Hughes
Notary Public for the State of Montana
Residing at Hamilton, Montana
My Commission Expires: April 1, 1980

SEAL

6385

NOTICE OF PUBLIC HEARING ON
ADOPTION OF PLANNING AND ZONING DISTRICT
AND ADOPTION OF DEVELOPMENT PATTERN THEREFOR

NOTICE IS HEREBY GIVEN that a petition has been filed for the creation of a Planning and Zoning District in and being portions of Section 8, Township 10 North, Range 19 West, P.M.M., and a portion of Riverview Orchards, a recorded subdivision of Ravalli County, Montana.

That pursuant to such petition, the Board of County Commissioners created a Planning and Zoning District embracing the lands within the boundaries as aforesaid and appointed a Planning and Zoning Commission.

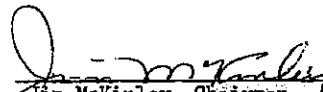
The the Planning and Zoning Commission will, on the 8th day of December, 1977 at the hour of 10:00 a.m., at the office of the County Commissioners in the Courthouse in Hamilton, Montana hold a public hearing at which the Commission will consider:

1. The creation of a Planning and Zoning District within the boundaries aforesaid.
2. The adoption of a development pattern for said district and the building and use restrictions to be made applicable thereto.

The Commission will consider the types of activity that may be conducted therein and the existing non-conforming uses which may be continued.

All persons affected by the proposed Planning and Zoning District will be given an opportunity to be heard; to contest or support the adoption of such development district by the Planning and Zoning Commission and the adoption of the development plan therefore.

BY ORDER OF THE PLANNING AND ZONING COMMISSION, dated this 22nd day of November, 1977.


Jim McKinley, Chairman
PLANNING AND ZONING COMMISSION

Publish November 23, 1977

6385

RESOLUTION NO. 158

WHEREAS, a petition was duly filed with the Board of County Commissioners of Ravalli County, petitioning for the creation of a Planning and Zoning District in the area within the following boundaries to-wit:

See Exhibit "A" attached hereto and by this reference made a part hereof.

WHEREAS, it appears that one hundred percent of the freeholders affected thereby have signed said petition which is in due form.

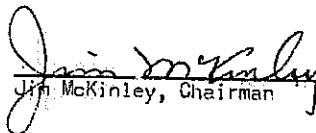
NOW, THEREFORE, it is ordered that a Planning and Zoning District, embracing the lands within the boundaries as aforesaid, is created.

IT IS FURTHER ORDERED that a Planning and Zoning Commission be created and the persons appointed thereon are: The County Commissioners of Ravalli County, being Jim McKinley, D.W. Galbraith, and Hugh G. Cumming; the County Assessor of Ravalli County, being Cheryl A. Richards; the County Surveyor of Ravalli County, being R. David Schurian.

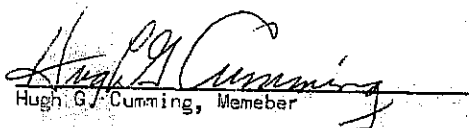
It is further ordered that the Planning and Zoning Commission proceed in accordance with the provisions of Title 16, Chapter 41, R.C.M., 1947, as revised.

Dated this 22nd day of November, 1977.

BOARD OF COUNTY COMMISSIONERS
Ravalli County, Montana


Jim McKinley, Chairman

D.W. Galbraith, Member


Hugh G. Cumming, Member

6385

EXHIBIT 'A'

PARCEL "A"

A tract of land located in and being a portion of Section 8, Township 10 North, Range 19 West, P.M.M., and a portion of Riverview Orchards, a recorded subdivision of Ravalli County, Montana, more particularly described as follows:

Section 8:

All of the S 1/2 SE 1/4, and all of the N 1/2 SE 1/4, the NE 1/4 SW 1/4, and SE 1/4 NE 1/4 not in Riverview Orchards.

Riverview Orchards:

Block 4, Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18.

Block 5, Lots 5, 7, 8, 9 and Reserved Tract. All according to the recorded plat of Riverview Orchards, Ravalli County, Montana.

6385

RESOLUTION NO. 605

BE IT RESOLVED, that whereas a petition was filed with the Board of County Commissioners of Ravalli County, Montana, for the creation of a Planning and Zoning District in an area within the boundaries described in said petition and shown on map submitted therewith, and,

WHEREAS, the petition was filed by one hundred percent of the freeholders within such area, and,

WHEREAS, the County Commissioners thereupon appointed a Planning and Zoning Commission in Accordance with the provisions of Chapter 41, Title 16, R.C.M. 1947, as amended, and,

WHEREAS, the Planning and Zoning Commission thereafter, by order, directed that notice of a public hearing be given as required by law, and such notice was thereafter given and a public hearing held.

NOW THEREFORE, it is ordered and this does order that there is hereby created Ravalli County Planning and Zoning District No. 10, said district is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof.

IT IS FURTHER ORDERED, and this does order, that the following shall govern the use of lands and structures within the Planning and Zoning District No. 10;

A. INTENT

This district recognizes the existence of rural areas that will come under pressure for residential development. This zone provides for a transitional low density residential district between urbanized areas and agricultural uses, as well as provides a zone that may be used to meet residential needs while limiting density to recognize environmental concerns. Planned unit developments and planned variations are encouraged to preserve agricultural land and to enhance environmental amenities found in rural areas.

B. SPACE AND BULK REQUIREMENTS

Maximum residential density.....One (1) dwelling per one (1) acre.
Minimum yard - front.....Twenty-five (25) feet.
 - side.....Fifteen (15) feet.
 - rear.....Twenty-five (25) feet.
Maximum building height.....Thirty (30) feet.

C. PERMITTED USES

1. Single-family dwelling
2. Accessory buildings and uses

6385

D. BUILDING REQUIREMENTS AND RESTRICTIONS:

1. All structures incidental to use of the land for agricultural purposes shall be maintained in reasonable good condition and repair: no shacks or delapidated structures shall be permitted.
2. Land within the zoning district may be used for industrial and commercial purposes providing said use does not constitute an actionable nuisance and complies with all applicable federal, state and local standards regarding degradation of the air and water.

E. SEVERABILITY:

If any provision herein or its application to any person or circumstances is held invalid, the remainder of the provisions herein or the application of the provision to other persons or circumstances is not affected.

ENFORCEMENT: Any use or feature in violation of these regulations is hereby found and declared to be unlawful and may be enforced as set out in subparagraphs I and II below.

- I. The Ravalli County Commissioners hereby assume responsibility for the enforcement of only those regulations set out in this subparagraph I. Such enforcement shall be discretionary with the Ravalli County Commissioners and shall be civil in nature. The cost of such enforcement shall be paid by Ravalli County. The regulations for which Ravalli County assumes responsibility for enforcement are as follows:
 - B. Space and Bulk Requirements
 - C. Permitted Uses
- II. Any interested person may bring any appropriate legal action for the enforcement of any of the regulations which apply to this Planning and Zoning District. The cost of such enforcement shall be borne by the person bringing the legal proceeding. Neither Ravalli County nor the Planning and Zoning District shall be responsible for any of the costs associated with any such enforcement proceeding undertaken pursuant to this subparagraph II.

PASSED AND ADOPTED this 9th day of February, 1978.

PLANNING AND ZONING COMMISSION

Jim McKinley
Jim McKinley, County Commissioner

Hugh G. Cumming
Hugh G. Cumming, County Commissioner

F.T. Williams
F.T. Williams, County Commissioner

R. David Schurian
R. David Schurian, County Surveyor

Cheryl A. Richards
Cheryl A. Richards, County Assessor

EXHIBIT 'A'

PARCEL "A"

A tract of land located in and being a portion of Section 8, Township 10 North, Range 19 West, P.M.M., and a portion of Riverview Orchards, a recorded subdivision of Ravalli County, Montana, more particularly described as follows:

Section 8:

All of the S 1/2 SE 1/4, and all of the N 1/2 SE 1/4, the NE 1/4 SW 1/4, and SE 1/4 NE 1/4 not in Riverview Orchards.

Riverview Orchards:

Block 4, Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18.

Block 5, Lots 5, 7, 8, 9 and Reserved Tract. All according to the recorded plat of Riverview Orchards, Ravalli County, Montana.

6385

PETITION FOR ZONING DISTRICT

We, the undersigned, being the owners and freeholders of one hundred percent (100%) of the real property described and set forth in Exhibit "A" attached hereto, respectfully petition the Board of County Commissioners of Ravalli County, Montana, pursuant to the provisions of Title 16, Chapter 41 of the Revised Codes of Montana, 1947, to order and create a Planning and Zoning District for the area encompassed by and described in Exhibit "A" attached hereto, for the purpose of furthering the health, safety and general welfare of the people of Ravalli County.

Your Petitioners respectfully request that the Planning and Zoning Commission for said Planning and Zoning District make and adopt a development pattern for the physical and economic development of said district which will make the following provisions for the use of property within said district:

- A. EXISTING USES - Land within the proposed district is currently used primarily for agricultural and residential purposes, and such existing uses may be continued subsequent to the adoption of any development pattern for the district.
- B. LOT SIZES - All lots created for sale, conveyance, lease, or rent shall be a minimum of one (1) acre in size; provided, however, that where an adequate supply of potable water exists, provisions for disposal of waste and sewage are adequate to meet all requirements of state and local regulations, and all requirements of the Montana Subdivision and Platting Act have been met, lots of smaller size may be created.
- C. PERMITTED USES -
 1. Land within the zoning district may be used for residential purposes.
 2. Land within the zoning district may be used for agricultural purposes including but not limited to the following:
 - a. Raising of crops
 - b. Raising of livestock
 - c. Raising and harvesting of timber
 3. Land within the zoning district may be used for industrial and commercial purposes providing said

6385

use does not constitute an actionable nuisance and complies with all applicable federal, state and local standards regarding degradation of the air and water.

D. BUILDING REQUIREMENTS AND RESTRICTIONS -

1. All structures incidental to use of the land for agricultural purposes shall be maintained in reasonable good condition and repair: no shacks or delapidated structures shall be permitted.
2. All structures shall be a minimum of 15 feet from the boundary line of the parcel on which they are constructed.

E. GENERAL PROVISIONS -

1. All garbage and trash cans shall be stored so as to be screened from view and shall have tight covers.
2. Trash and junk cars shall not be accumulated or stored on the premises unless in enclosed buildings.
3. Owners of any tract hereby zoned shall comply with all state laws and regulations and county regulations as to sanitary restrictions.

F. SEVERABILITY - If any provision herein or its application to any person or circumstances is held invalid, the remainder of the provisions herein or the application of the provision to other persons or circumstances is not affected.

RESPECTFULLY SUBMITTED this 28 day of Oct., 1977.

Wilbur J. Hensler
WILBUR J. HENSLER

Ila M. Hensler
ILA M. HENSLER

6385

EXHIBIT 'A'

PARCEL "A"

A tract of land located in and being a portion of Section 8, Township 10 North, Range 19 West, P.M.M., and a portion of Riverview Orchards, a recorded subdivision of Ravalli County, Montana, more particularly described as follows:

Section 8:

All of the S 1/2 SE 1/4, and all of the N 1/2 SE 1/4, the NE 1/4 SW 1/4, and SE 1/4 NE 1/4 not in Riverview Orchards.

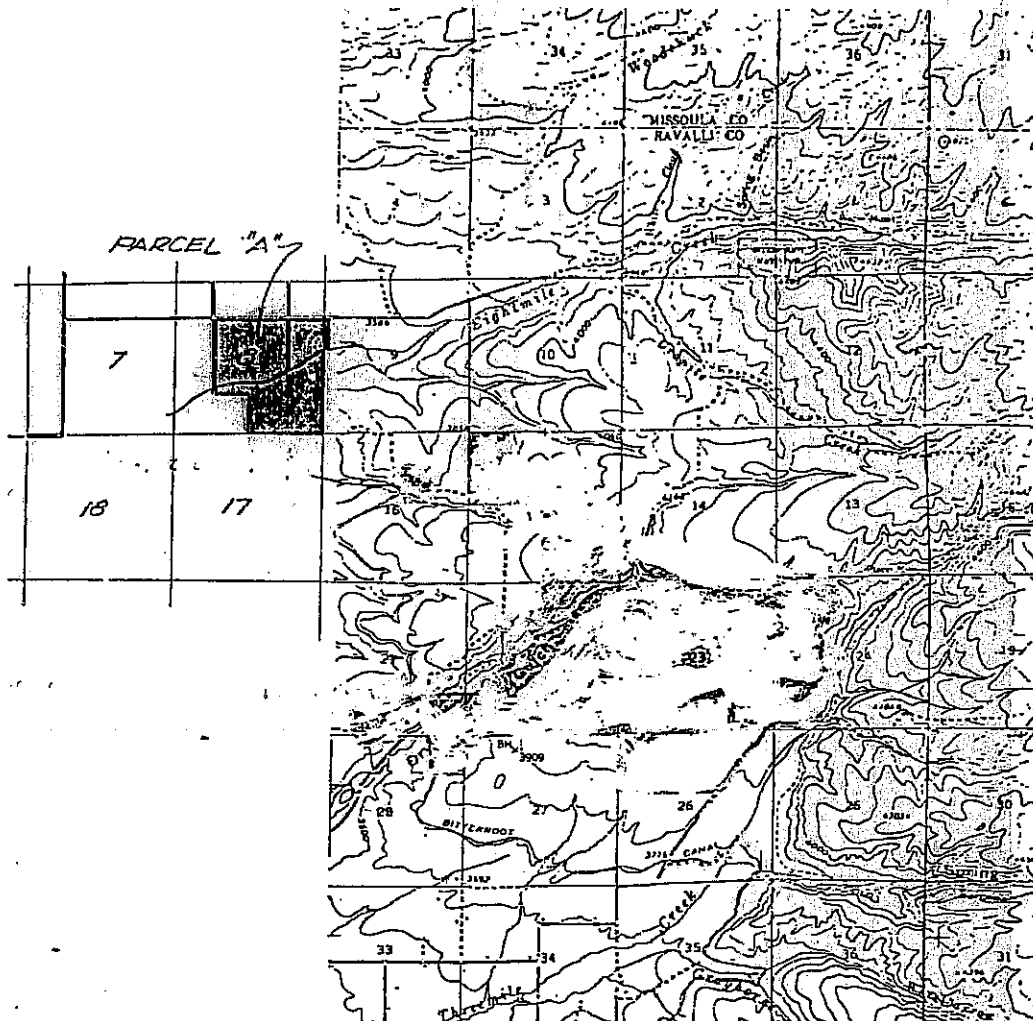
Riverview Orchards:

Block 4, Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18.

Block 5, Lots 5, 7, 8, 9 and Reserved Tract. All according to the recorded plat of Riverview Orchards, Ravalli County, Montana.

6385

EXHIBIT "A"



OK

6385

#6385

I certify that I received and filed this
instrument on this 22nd
day of Feb 1978, at 1026
books P. 2

Charles E. Hughes
County Recorder

Mo Jones
Clerk